THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 4923 of 2006

DATED: 14-03-2006

Between:

G. Haranath Babu …Petitioner

and

The Commissioner,

Nellore Municipal Corporation, Nellore,

Nellore District and others … Respondents

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITON NO. 4923 OF 2006

ORDER:

Seeking to declare the action of the respondents in not taking action against illegal construction at the premises bearing D.No.15/417 Subedar pet, Nellore town as illegal and arbitrary, petitioner filed the present writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents and perused the material available on record.

It is the case of the petitioner that he is the absolute owner of the house bearing No.15/411 at Subedar pet, Nellore, and on the western side of his property, the owner of the house bearing D.No.15/417, which is facing towards the GNT

Road, started construction of a multi storied commercial complex without leaving side open space (set back) depriving the easementary rights of the petitioner to get sufficient air, light etc. In that regard, petitioner made representations to the respondents on 01-03-2006 and 04-03-2006, but the respondents have not taken any action.

I am not inclined to express any opinion on the merits of the case as to whether the neighbouring owner of the petitioner in D.No.15/417 is constructing a multi storied commercial complex in violation of Building Rules and Regulations. However, petitioner said to have been made representations on 01-03-2006 and 04-03-2006 before the first respondent, I deem it appropriate to direct the respondent to consider the same.

Accordingly, the writ petition is disposed of directing the first respondent to consider and dispose of the representations of the petitioner after giving reasonable opportunity to the petitioner as well as the said builder in accordance with law. No order as to costs.

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V. ESWARAIAH, J.

Dated: 14-03-2006

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